## REMARKS

The above amendments and following remarks are submitted within the 60 day priority period under 37 C.F.R. 1.116 in response to the pending final Official Action of the Examiner mailed March 8, 2007. Having addressed all objections and grounds of rejection, claims 1-21, being all the pending claims, are now deemed in condition for allowance. Entry of this amendment and reconsideration to that end is respectfully requested.

Claim 11 has been rejected under 35 U.S.C. 101. Though Applicants do not agree with the Examiner's apparent reading of MPEP 2106, they have herewith amended claim 11 in accordance with the suggestion of the Examiner. Support for this amendment may be found in Applicants' specification at page 1, lines 17-20.

Claims 1, 6, 11, and 21 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2004/0098595, published in the name of Aupperle et al (hereinafter referred to as "Aupperle"). The ground of rejection is respectfully traversed as to the amended claims for the following reasons.

The standards for a finding of anticipation during examination are specified in MPEP 2131, which provides in part:

> TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH
> EVERY ELEMENT OF THE CLAIM
> "A claim is anticipated only if each and every element as
> set forth in the claim is found, either expressly or

inherently described, in a single prior art reference."
*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d
628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). **"The
identical invention must be shown in as complete detail as
is contained in the ... claim."** *Richardson v. Suzuki Motor
Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir.
1989). (emphasis added)

The rejection is respectfully traversed because "the identical invention" is not shown by Aupperle "in as complete detail as is contained in the claims" as is required by MPEP 2131.

Applicants' invention as disclosed and claimed provides a method and apparatus for requesting services from a legacy data base management system from a user terminal using standardized object-oriented command language which is incompatible with the legacy data base management system. This is accomplished by using the legacy data base management system to perform the required conversions using parameterized inputs defined in the incompatible standardized object-oriented command language.

For whatever reason, the Examiner has cited and sought to apply Aupperle, which is concerned with an integrated sign-on procedure. Thus, instead of a user performing data base functions using a data base management system as claimed, Aupperle sends user identification information to the disclosed server. To the extent that the Examiner cites conversions within Aupperle, these amount to mere conversions of data strings rather than the claimed conversion of "user requests". As a result of the lack of pertinence of this reference, the rejection of claims

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1, 6, 11, and 21 can only be based upon clearly erroneous

findings of fact and incorrect application of controlling law.

Nevertheless, Applicants have herewith made slight amendments to

these claims to more explicitly direct the reader's attention.

Having previously considered this argument distinguishing

the data base management service requests claimed by Applicants

with the "log-in" requests of Aupperle, the Examiner has stated:

> The Examiner notes that Aupperle is also an example of
> a user requesting to login in Fig. 9 and the conversion
> targets are illustrated in Fig. 4. Aupperle further
> illustrates a user login in multiple locations (see
> Figures 7, 8, 11 and 12D).

To make the distinction even more explicit, Applicants have

herewith amended claims 1, 6, 11, and 21 to require that the

claimed "service request" (or "user request") necessitates access

to the claimed "data base". This amendment is supported

throughout Applicants' disclosure and may be found summarized at

page 8, lines 2-4.

Claim 1, as amended, has four basic elements. The first

element is "a terminal which generates a user request in a

standardized object-based command language for access to a data

base". In making his rejection, the Examiner cites Aupperle,

Fig. 1 item 110, which is not a piece of hardware as claimed, but

is apparently a software module (see paragraph 0058). Surely,

the Examiner does not consider a software module to be the same

as a physical piece of hardware. Furthermore, the Examiner cites

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and misapplies paragraph 0088 to show further functionality of the claimed "terminal", wherein there is no showing that paragraph 0088 has anything to do with Fig. 1, item 110. In addition, there is no showing that element 110 makes the claimed request <u>for access to a data base</u>".

The second claimed element is "a legacy data base management system responsively coupled to said terminal which honors said user request by execution of a non-standardized command language to produce a result from a dataset". In making his rejection, the Examiner cites Aupperle, paragraph 0118, which mentions a "legacy host application". However, the Examiner ignores the remainder of the claim which requires the claimed "legacy data base management system" to be "responsively coupled to said terminal". Surely, the Examiner does not suggest that Aupperle discloses that the "legacy host application" of paragraph 0118 is somehow "responsively coupled to said terminal", as claimed. Furthermore, because Aupperle says nothing of a "dataset" within the claimed associated with the "legacy host application" of paragraph 0118, the Examiner simply ignores the claimed limitation and again cites Fig. 17, a display page. Finally, the claim requires that the "legacy data base management system" **honors** the claimed user request. Nowhere does Aupperle suggest that the "legacy host application" of paragraph 0118 honors any user request as claimed.

The third claimed element is "a conversion facility for conversion of said standardized object-based command language to said non-standardized command language". In making his rejection, the Examiner cites paragraph 0066. This citation discloses no association with Fig. 1, item 110, which the Examiner has equated with the claimed "terminal" and no association with paragraph 0118. Furthermore, paragraph 0066 has nothing to do with conversion of the claimed "command language" from one format to another.

As to the fourth claimed element, "a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said terminal and which modifies said dataset if and only if specified in said service request", the Examiner cites disparate paragraphs 0007, 0009, and 0011, along with Figs. 1 and 17. It is truly confusing why the Examiner would consider these citations related as required by claim 1.

In addition, the Examiner admits that Aupperle does not "expressly" disclose the claimed "modifies said dataset". Therefore, he has found the claimed element to be "inherent with the data pull model". This finding is inadequate as a matter of law for failure to meet the requirements of MPEP 2112. Furthermore, it is clearly erroneous, because the disclosed "data pull model" need not necessarily (as required by MPEP 2112) modify any data.

As a result of Aupperle having none of the four elements of claim 1, the rejection of amended claim 1, and all claims depending therefrom, is respectfully traversed.

Claim 6, as amended, is an independent method claim having five limiting steps. Aupperle has none of these five steps. Apparently, the Examiner has not found the first step to be expressly disclosed by Aupperle, so the Examiner states:

HTML inherently includes JavaScript

This statement is clearly erroneous on its face. In addition it certainly does not comport with the requirements of MPEP 2112. Furthermore, the statement does not address Applicants' claimed invention, so even if true, it is legally irrelevant. Therefore, the first element of claim 6 is admittedly not found in Aupperle.

The second claimed element is "**receiving said service request** by said legacy data base management system". In making his rejection, the Examiner cites paragraph 0009, which says nothing of "receiving said service request" as claimed.

The third claimed element is "converting said service request in said standardized object-based command language into said non-standardized command language". In making his rejection, the Examiner again cites paragraph 0009 which discloses nothing of "converting" as claimed. Furthermore, the Examiner again bases his findings on "HTML includes JavaScript"

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which is clearly erroneous and incorrect as a matter of law for
failure of the Examiner to comply with MPEP 2112.

In clearly erroneously finding the fourth element, the
Examiner again cites paragraph 0009, which discloses nothing of
the claimed "honoring said service request". The fifth claim
element requires "modifying" a dataset. The Examiner cites
paragraph 0018 which has nothing to do with this limitation. The
rejection of amended claim 6 is respectfully traversed.

Claim 11 is an independent apparatus claim having five
"means-plus-function" limitations as correctly found by the
Examiner. Nevertheless, he ignores his obligations under MPEP
2181-2184 in examining claim 11. As a result, he somehow equates
the data window of Fig. 5 to the claimed "permitting means", a
"legacy access screen" to the claimed "offering means", the
illegal use of a URL within paragraph 0090 to the claimed
"converting means", and Fig. 12G to the claimed "modifying
means". To these clear errors of law, the Examiner again finds
"inherency" without complying with MPEP 2112.

In response to the Examiner's rejection under 35 U.S.C. 101,
Applicants' have added the final claim element which requires
"providing means for providing said resultant report to said
user". This element is certainly not found in Aupperle. Thus,
the rejection of amended claim 11 is respectfully traversed as

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based upon clearly erroneous findings of fact and incorrect application of controlling law.

In rejecting claim 21, the Examiner makes many of the same errors discussed above. In addition, the Examiner makes additional errors. For example, in finding the claimed "facility", the Examiner states:

> ....which modifies said dataset if and only if (can be interpreted as not limiting with comprising) specified in said service request.

Though quite cryptic, this statement is clearly erroneous (because Aupperle says nothing of the claimed "modifying") and is incorrect as a matter of law, because "can be interpreted as not limiting with comprising" is not supported by known authority. The rejection of amended claim 21 is respectfully traversed.

Claims 1-10 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2005/0044197, published in the name of Lai (hereinafter referred to as "Lai"). This ground of rejection is respectfully traversed for failure of Lai to meet the requirements of MPEP 2131.

Claim 1 is limited by "a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said terminal and which modifies said dataset if and only if specified in said service request". Lai has no such facility "which prepares said result for transfer to said terminal and which modifies said dataset if and only if

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specified in said service request". Therefore, in making his rejection, the Examiner cites disparate paragraphs 0992, 0993, 1003 and 1004 of Lai. The rejection of amended claim 1, and all claims depending therefrom, is respectfully traversed.

Claim 2 depends from claim 1 and further limits the coupling of the claimed "terminal". Even though the Examiner found the "terminal" of claim 1 to be disclosed in paragraph 0005, he finds the further limitations to the coupling to be in the totally unrelated Fig. 15. The claim explicitly requires the claimed "terminal" to be coupled in the claimed fashion. This is incorrect as a matter of law. The rejection of claim 2 is respectfully traversed.

Claim 3 depends from claim 2 and is further limited "wherein the user request specifies the dataset". To make his rejection, the Examiner arbitrarily cites paragraph 1123 which says nothing of the claimed limitation. Thus, the Examiner has impermissibly based his rejection on clearly erroneous findings of fact. The rejection of claim 3 is respectfully traversed.

Claim 4 depends from claim 3 and further limits the claimed coupling network. As explained above, Lai does not meet the limitations of claim 3 from which claim 4 depends. Therefore, Lai cannot meet the further limitations of claim 4. The rejection of claim 4 is respectfully traversed.

Claim 5 depends from claim 4 and further limits the claimed "standardized object-based command language". To make his rejection, the Examiner again ignores the claimed invention and simply seeks to find the words of the claim in disparate and unrelated portions of the prior art. The rejection of claim 5 is respectfully traversed.

Claim 6 is an independent method claim having five key steps. The rejection of claim 6 is respectfully traversed as incomprehensible. For example, with regard to the first method step, the Examiner states:

> a. transmitting (see [1269] "transmit the transaction") a service request is a standardized object-based command language ([1269]) "SOAP") from said user terminal requesting access to said legacy data base management system (see [1015] "legacy FX"

Quite apart from Applicants' inability to understand the Examiner's position, it appears that the Examiner is simply searching through the extensive text of Lai to find the words used in Applicants' claims. The rejection of amended claim 6, and all claims depending therefrom, is respectfully traversed.

Claim 7 depends from claim 6 and further limited by "wherein said dataset is specified by said service request". Instead of identifying the claimed limitation, the Examiner appears intent on showing the disclosure of "a data base". The rejection of claim 7 is respectfully traversed for failure to address the claimed invention.

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Claim 8 depends from claim 7 and further limits the claimed coupling network. As explained above, Lai does not meet the limitations of claim 7 from which claim 8 depends. Therefore, Lai cannot meet the further limitations of claim 8. The rejection of claim 8 is respectfully traversed.

Claim 9 depends from claim 8 and further limits the claimed coupling network. As explained above, Lai does not meet the limitations of claim 8 from which claim 9 depends. Therefore, Lai cannot meet the further limitations of claim 9. The rejection of claim 9 is respectfully traversed.

Claim 10 depends from claim 9 and further limits the claimed "standardized object-based command language". To make his rejection, the Examiner has again found "inherency" without making the showings required by MPEP 2112. Citing the Microsoft Computer Dictionary, he confuses the possibility of the claimed element with inherency which requires that it be present "of necessity" (see MPEP 2112). The rejection of claim 10 is respectfully traversed.

Claims 11-20 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0260581, published in the name of Baranowski et al. (hereinafter referred to as "Baranowski"). This ground of rejection is respectfully traversed for failure of Baranowski to meet the requirements of MPEP 2131.

Claim 11 is an independent apparatus claim having "means-plus-function" limitations as correctly found by the Examiner. Nevertheless, he ignores his obligations under MPEP 2181-2184 in examining claim 11. As a result, he somehow ignores the claimed "permitting means", equates a "reverse auction" to the claimed "offering means", and finds that a "reservation" corresponds to the claimed "modifying means".

In response to the Examiner's rejection under 35 U.S.C. 101, Applicants' have added the final claim element which requires "providing means for providing said resultant report to said user". This element is certainly not found in Aupperle. Thus, the rejection of amended claim 11 is respectfully traversed as based upon clearly erroneous findings of fact and incorrect application of controlling law.

Claim 12 depends from claim 11 and is further limited by the claimed service request specifying the claimed dataset. In making his rejection, the Examiner states:

> .....wherein said dataset ([0022]) "airline databases, car and hotel databases, train and bus databases, frequent flyer systems...., and the like") is specified by said service request ([0036] "air, car rental, hotel, rail, limousines, cruise lines, conference centers, ferries")

Though this statement is incomprehensible, it does seem apparent that paragraph 0022 does not disclose the claimed "dataset" and unrelated paragraph 0036 does not disclose the claimed specifying

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of the claimed dataset by the claimed service request. The rejection of claim 12 is respectfully traversed.

Claim 13 depends from claim 12 and is further limited by the claimed "means located within said permitting means for generating a second service request". Having not found the claimed "permitting means" in his rejection of claim 11, the Examiner somehow finds that "booking engine" 270 of Fig. 2 is located within the claimed "permitting means". This finding is unsupported by the prior art and is therefore clearly erroneous. The rejection of claim 13 is respectfully traversed.

Claim 14 depends from claim 13 and further limits the claimed "offering means". Because Baranowski does not have the claimed "offering means", it cannot have these further limitations thereof. The rejection of claim 14 is respectfully traversed.

Claim 15 depends from claim 14 and further limits the claimed "permitting means". Because Baranowski does not have the claimed "permitting means" as explained above, it cannot have these further limitations thereof. The rejection of claim 15 is respectfully traversed.

Claim 16, as amended, has a rather extensive preamble providing the basic environment of the invention, along with two key limiting elements. Baranowski does not have the

environmental limitations for the reasons discussed above with regard to claims 1, 6, and 11.

The first claimed element is the "conversion facility". Because Baranowski does not have this element, the Examiner cites unrelated paragraphs 0027 and 0030. Apparently, for some reason, the Examiner appears to assume that the Sabre Corporation is somehow related to the claimed "conversion facility", because has cited a ComputerWorld article about Sabre Corporation performing conversion. It appears that the Examiner has impermissibly cited Sabre Corporation as the claimed "conversion facility". In addition to being contrary to law, this finding is clearly erroneous.

The second claimed element is the "facility which modifies". In making his rejection, the Examiner cites paragraph 0027 without even alleging that a "facility" is disclosed thereby.

Therefore, the rejection of amended claim 16, and all claims depending therefrom, is respectfully traversed.

Claim 17 depends from claim 16 and is further limited by "wherein said dataset is specified by said service request". Citing paragraph 0028, the Examiner cryptically states:

> ...."header or trailer may be received by a stand alone
> interaction device configured to add, delete, modify,
> or augment the data".

This statement, even if true, is legally irrelevant, because it does not address Applicants' claimed invention. The rejection of claim 17 is respectfully traversed.

Claim 18 depends from claim 17 and further limits the claimed coupling network. Because Baranowski cannot meet the limitations of claim 17 from which claim 18 depends, it cannot meet the further limitations of claim 18. The rejection of claim 18 is respectfully traversed.

Claim 19 depends from claim 18 and further limits the claimed coupling network. Because Baranowski cannot meet the limitations of claim 18 from which claim 19 depends, it cannot meet the further limitations of claim 19. The rejection of claim 19 is respectfully traversed.

Claim 20 depends from claim 19 and further limits the claimed standardized command language. Because Baranowski cannot meet the limitations of claim 19 from which claim 20 depends, it cannot meet the further limitations of claim 20. The rejection of claim 20 is respectfully traversed.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-21 being the only pending claims.
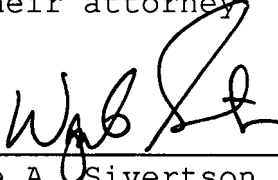
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Respectfully submitted,

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By their attorney

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